

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,	:	Case No. 3:15-cr-145
	:	
Plaintiff,	:	Judge Thomas M. Rose
	:	
- VS -	:	
	:	
MICHAEL WION,	:	
	:	
Defendant.	:	

**ENTRY AND ORDER OVERRULING OBJECTIONS (DOCS. 22, 25),
ADOPTING REPORT AND RECOMMENDATIONS (DOC. 19) AND
SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC. 24),
AND DISMISSING WITH PREJUDICE MOTION UNDER 28 U.S.C. § 2255 TO
VACATE, SET ASIDE OR CORRECT SENTENCE (DOC. 18)**

This case is before the Court on the Objections (Docs. 22, 25) filed by Defendant Michael Wion (“Wion”) to the Report and Recommendations (“Report”) (Doc. 19) and Supplemental Report and Recommendations (“Supplemental Report”) (Doc. 24). In both the Report and Supplemental Report, Magistrate Judge Michael R. Merz concluded, on initial review pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings, that Wion’s Motion under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence (the “Motion to Vacate”) (Doc. 18) plainly does not entitle him to relief. The Magistrate Judge therefore recommended that this Court dismiss with prejudice the Motion to Vacate.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court finds that Wion’s Objections (Docs. 22, 25) to the Report (Doc. 19) and Supplemental Report (Doc. 24) are not well taken and they are hereby **OVERRULED**. The Court **ADOPTS** the Report (Doc. 19) and Supplemental Report (Doc. 24) in their entirety and rules as follows:

1. The Motion to Vacate (Doc. 18) is **DISMISSED WITH PREJUDICE**;

2. As reasonable jurists would not disagree with this conclusion, Wion is **DENIED** a certificate of appealability;
3. The Court **CERTIFIES** to the Sixth Circuit that any appeal would be objectively frivolous and therefore should not be permitted to proceed *in forma pauperis*; and
4. This case shall remain terminated on the docket of this Court.

DONE and **ORDERED** in Dayton, Ohio, this Monday, December 12, 2016.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE